

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JEREMY M. WINE,

Plaintiff,

ORDER

v.

08-cv-72-bbc

C.O. PONTOW, *et al.*

Defendants.

JEREMY M. WINE,

Plaintiff,

ORDER

v.

08-cv-173-bbc

WILLIAM POLLARD, *et al.*

Defendants.

Plaintiff Jeremy M. Wine has filed a document regarding what he calls “emergency matters - life or death.” For the first four pages of the document, plaintiff describes his current situation in which he has decided to refuse to eat and is being mistreated by prison officials, suggesting that plaintiff is seeking to inject new claims against new defendants into one of his pending lawsuits. However, on page five, plaintiff gets to the point: he wants to stay all proceedings in his two lawsuits (08-cv-72-bbc and 08-cv-173-bbc.) because prison officials have taken all of his legal materials, undermining his ability to litigate them.

In case No. 08-cv-72-bbc, defendants have filed a motion for summary judgment for which plaintiff’s brief in opposition is due on December 10, 2008. In case No. 08-cv-173-bbc, dispositive motions are due on December 15, 2008. If, as plaintiff contends, he actually is unable to access his legal materials, then he might not be able to respond adequately to the pending motion for summary judgment or to prepare his own dispositive motion.

But it would be jumping the gun to stay our existing deadlines based only on plaintiff's say-so. The court needs to hear the institution's side of the story. I am directing defendants' lawyer(s) to contact RCI to investigate plaintiff's allegations that he cannot access his legal materials, work with the institution to remedy the situation if necessary, then report back to the court in a letter by next Wednesday, November 26, 2008. If additional court action is necessary at that time, then the court will do what justice requires.

Plaintiff's letter suggests that he has a lot on his mind other than his current inability to access his legal materials. Duly noted. A telephone hearing with this court will not remedy those concerns. If plaintiff continues to have problems with his treatment, then he should consider raising his concerns in the proper forum, which in his case likely would be an inmate complaint. Those concerns are not at issue in either of his present federal lawsuits.

ORDER

IT IS ORDERED that:

(1) Plaintiff's motion to stay all proceedings in cases nos. 08-cv-72-bbc and 08-cv-173-bbc is DENIED.

(2) Defendants' counsel have until November 26, 2008 to contact the Racine Correctional Institution, check into plaintiff's allegations that he cannot access his legal materials and if necessary, work with the institution to restore access sufficient to allow a timely response to the pending summary judgment motion, then file a status letter by November 26, 2008.

Entered this 18th day of November, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge